

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

NSA AUTO TRANSPORT, LLC,

Plaintiff,

v.

Civil Action No. 3:22-cv-00671

Richmond Circuit Court Case No. 22003987-00

CONTRACT FREIGHTERS, INC.,

Defendant.

**NOTICE OF REMOVAL**

Defendant Contract Freighters, Inc., (“CFI”), by counsel, pursuant to 28 U.S.C. 1441 and 1446, hereby files this *Notice of Removal* on the following grounds:

1. Plaintiff filed a Complaint in the Circuit Court for the City of Richmond on August 30, 2022, seeking \$500,000.00 in compensatory damages against CFI. The Complaint is attached as Exhibit A. In his Complaint, Plaintiff alleges property damage only to a vehicle following an accident that occurred in Troutdale, Oregon on June 4, 2022.
2. The Plaintiff served CFI on September 19, 2022.
3. CFI timely filed an Answer to the Complaint, which included an objection to venue, and a Motion to Dismiss pursuant to Va. Code Ann. § 8.01-265<sup>1</sup> on October 11, 2022, which is attached hereto as Exhibit B.
4. There have been no further proceedings in this action.
5. CFI is an entity incorporated in Missouri.
6. CFI’s principal place of business is Joplin, Missouri.

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<sup>1</sup> Virginia Code Section 8.01-265 is the Commonwealths equivalent to a Federal Rule 12(b)(3) Motion to Dismiss.

7. The action involves a controversy between citizens of different states. There is complete diversity of citizenship.

8. The amount in controversy exceeds the jurisdictional limits of \$75,000.

9. This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(a). CFI desires to remove this action to this Court.

10. Pursuant to 28 U.S.C. § 1446 (b), this Notice of Removal is being filed within thirty (30) days after CFI was served with the Complaint, the pleading setting forth the claims upon which Plaintiff's action is based or within thirty (30) days of CFI receiving the Complaint.

11. Pursuant to 28 U.S.C. § 1441(a), for the purposes of removal, venue of this removal action is proper in the Eastern District of Virginia, Richmond Division, because it is in the district and division embracing the place where the state court action is pending.

12. Promptly after the filing of this Notice of Removal, Defendant will give written notice of the removal to Plaintiff, the adverse party, and will file a copy of this Notice of Removal with the Circuit Court for Richmond City, as required by 28 U.S.C. § 1446(d).

13. CFI demands a trial by Jury.

WHEREFORE, Defendant Contract Freighters, Inc., by counsel, respectfully requests that this action be removed from the Richmond City Circuit Court to this Court.

CONTRACT FREIGHTERS, INC.,

By: /s/

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*Counsel for CFI*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of October 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to the following:

C. Jay Robbins, IV (VSB No. 22847)  
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*Counsel for Plaintiff*

/s/

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